

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the following comments and as presently amended, is respectfully requested.

Claims 1, 6, 8, 10-15, 17, 20, 21, and 23-27 are pending in this application. Claims 1, 8, 12, 13, 15, 17, 20, 21, and 24-26 are amended by the present response, and support for the amendments is found at least in the previously presented Claims 1, 8, 12, 13, 15, 17, 20, 21, and 24-26. Claim 27 is newly added, and support for the new claim is found in the Applicants' specification at least at page 4, lines 8-10. It is respectfully submitted that no new matter is added by this amendment.

In the outstanding Office Action, Claims 1, 6, 8, 10-15, 17, 20, 21, and 23-26 were rejected under 35 U.S.C. §103(a) as unpatentable over Yamashita et al. (U.S. Patent No. 5,594,529, herein Yamashita) in view of Kikuchi et al. (U.S. Patent No. 5,606,403, herein Kikuchi).

Applicants thank Examiner Thein and Supervisory Examiner McClellan for the interview granted Applicants' representatives on April 19, 2005. During the interview, the claimed invention and how the claimed invention differs from the cited references was explained with respect to independent Claim 1. Examiner Thein and Supervisory Examiner McClellan indicated that the "user side" should be clarified in the claims. Examiner Thein and Supervisory Examiner McClellan acknowledged that amending Claim 1 to recite "a counter configured to count a duration of a time period that said detector detects said signal, said duration of the time period being adjustably set at the image forming apparatus by a user input," appeared to distinguish the claims over the cited references of record. However, the Examiners indicated the amendments would require further search and consideration, and therefore the claim amendments should be filed concurrently with a Request for Continued Examination (RCE).

Accordingly, Claim 1 is amended, consistent with discussions during the interview, to recite a consumable item system including “a counter configured to count a duration of time period that said detector detects said signal, said duration of the time period being adjustably set at the image forming apparatus by a user input” and a consumable item order data transmitting device that transmits a request for a consumable item that needs to be replenished, “when the signal is detected continuously by the detecting device for more than the duration of the time period set at the image forming device by the user input.” Independent Claims 17, 21, and 24-26 are amended to recite similar features, and dependent Claims 8, 12, 13, 15, 20, and 23 are amended to reflect the amendments to the independent claims.

The rejection of Claims 1, 6, 8, 10-15, 17, 20, 21, and 23-26 under 35 U.S.C. §103(a) as unpatentable over Yamashita in view of Kikuchi is respectfully overcome as follows.

Yamashita is directed to an imaging device supervision system. In Yamashita, the copy machine supervision device contacts the host computer at predetermined time intervals and receives reset signals from the host computer indicating that a supply has been replenished. The reset signal received from the host computer causes the toner replenishment count to be reinitialized.¹

However, as noted in the outstanding Office Action, Yamashita fails to teach or suggest a counter that counts a duration of an alert signal based on the “duration of the time period being adjustably set at the image forming apparatus by a user input,” as recited in amended Claim 1.² Further, Yamashita fails to teach or suggest a consumable item order data transmitting device that transmits a request for a consumable item that needs to be replenished, “when the signal is detected continuously by the detecting device for more than the duration of the time period set at the image forming device by the user input.”

¹ Office Action mailed December 29, 2004, page 6, lines 12-15.

² Office Action mailed December 29, 2004, page 6, lines 7-8.

The outstanding Office Action relies on the Kikuchi reference as teaching a “count means for counting duration of the time that the detecting means detect the signal (see at least abstract; col. 3, lines 13-26, lines 25-39).”³ However, Kikuchi describes a time period T1 used to determine when a toner shortage is reported to an operator and a time period TO for stopping the printing operation at column 6, lines 8-61, but does not disclose, teach, or suggest that the “duration of the time period” is “adjustably set at the image forming apparatus by a user input,” as recited in amended Claim 1.⁴ Further, the disclosure of the Kikuchi repeatedly refers to a “predetermined period of time” implying that the time periods T1 and TO are not adjustable. For example, Kikuchi states at column 4, lines 28-33, “[w]hen toner shortage is detected by the toner empty sensor signal 23, the high level is continued over a predetermined period of time, it is judged that the toner is in short supply.”

Therefore, Kikuchi also fails to teach or suggest a counter that counts a “duration of a time period” that an alert signal is detected based on the duration of a time period “adjustably set at the image forming apparatus by a user input” and a consumable item order data transmitting device that transmits a request for a consumable item that needs to be replenished, “when the signal is detected continuously by the detecting device for more than the duration of the time period set at the image forming device by the user input,” as recited in amended Claim 1.

Accordingly, Applicants respectfully submit that neither Yamashita nor Kikuchi, either alone or in any proper combination, teach or suggest a consumable item system including “a counter configured to count a duration of time period that said detector detects said signal, said duration of the time period being adjustably set at the image forming apparatus by a user input” and a consumable item order data transmitting device that transmits a request for a consumable item, “when the signal is detected continuously by the

³ Office Action mailed December 29, 2004, page 6, lines 15-17.

⁴ Kikuchi, Abstract.

detecting device for more than the duration of the time period set at the image forming device by the user input.”


Accordingly, it is respectfully submitted that independent Claims 1, 17, 21, 24, and 25 are patentably distinguished over the prior art of Yamashita and Kikuchi. Likewise, it is respectfully submitted that Claims 6, 8, 10-15, 20, and 23 that depend from the independent claims are allowable for at least the same reasons as the independent claims discussed above.

Further, new Claim 27 recites a “consumable item system as claimed in claim 1, wherein the corresponding consumable item is a printing medium.” New Claim 27 that depends from independent Claim 1 is allowable for at least the same reasons as independent Claim 1. However, Applicants respectfully submit that new Claim 27 is further patentably distinguishable over the cited references of record since the Kikuchi reference only describes a toner supply control system and does not disclose, teach, or suggest a printing medium control system.

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for formal allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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